

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No: 05-CR- 1849 (JH)

DANA JARVIS,

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Mr. Dana Jarvis, through appointed counsel Gary Mitchell and Jody Neal-Post, hereby gives notice of his appeal of the District Court's Order at Doc. 1231 "Denying Defendant Dana Jarvis's Motion to Dismiss for Irreparable Structural Error & Additional Fifth and Sixth Amend Violations," entered February 26, 2008.

This Notice of Appeal is filed pursuant to the Collateral Order Doctrine as the district court's order abrogates the Defendant's Fifth and Sixth Amendment rights to a proceeding free of structural error, "important rights which would be 'lost, probably irreparably,' if review had to await final judgment. . . ." *Abney v. United States*, 431 U.S. 651, 658 (1977), quoting *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546, 93 L. Ed. 1528, 69 S. Ct. 1221 (1949).

Respectfully submitted:

Electronically Filed

/s/

March 7, 2008

By _____

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Electronically filed March 7, 2008

By: /s/
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I hereby certify that on March 7, 2008,
I filed the foregoing pleading electronically through
The CM/ECF system.

Electronically filed 3/7/08

Jody Neal-Post